

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FILED
At Albuquerque NM

AUG 23 2018

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 18-MJ-1689

EDUARDO JAVIER PERALES-OLAGUE,

Defendant.

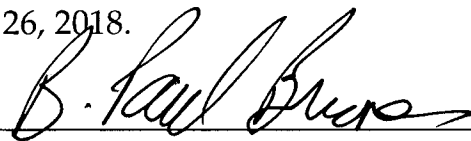
ORDER GRANTING MOTION TO EXTEND GRAND JURY DEADLINE

This matter is before the court on defendant's unopposed motion to extend Grand Jury deadline. There being good cause shown by the defendant and there being no objection by the government, the court finds the motion is well taken and should be granted

In granting this motion, the Court expressly finds that under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7) the ends of justice will be served by granting this extension of time for presentation to the Grand Jury. 18 U.S.C. § 3161(h)(1). See *United States v. Hernandez-Mejia*, 406 Fed. App'x. 330, 338 (10th Cir. 2011) ("The Speedy Trial Act was intended not only to protect the interests of defendants, but was also 'designed with the public interest in mind.'" (quoting *United States v.*

Toombs, 574 F.3d 1262, 1273 (10th Cir. 2009)). Pursuant to section 3161(h)(7) of the Speedy Trial Act, the ends of justice outweigh the best interests of the public and the defendant in a speedy indictment for several reasons. First, a continuance of the deadline for grand jury presentment will allow Mr. Perales-Olague additional time to review discovery with his attorney and to discuss the charges and penalties that he is facing. Mr. Perales-Olague will also be able to conduct a preliminary investigation into the allegations in this case. Second, a continuance will allow the parties to pursue plea negotiations. Such negotiations may result in a resolution of this matter that is more favorable to Mr. Perales-Olague than might otherwise be available following indictment. In light of this, a continuance serves both Mr. Perales-Olague's best interests and the interest of the public.

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. § 3161(h)(7)(A), an additional period of time of 90 days is hereby tolled and excluded from the computation of speedy indictment. Thus, the deadline for grand jury presentment is extended until November 26, 2018.

A handwritten signature in black ink, appearing to read "B. Paul Burns", is written over a horizontal line.

United States Magistrate Judge

Submitted by:
ARIC G. ELSSENHEIMER
Assistant Federal Public Defender